

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2015

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THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.28771 of 2012

S.Senthilkumar

.. Petitioner

vs.

1. The District Collector
Namakkal District

2. The Sub Collector
Namakkal District
Office at Namakkal Collector office
Campus, Namakkal

3. R.Muthusamy

.. Respondents

This writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the records pertaining to the second respondent in Na.Ka.No.4600/11/A6 dated 17.4.2012 and quash the same.

For petitioner : Mr.K.R.Krishnan

For respondents : Mr.R.Ravichandran

AGP for R1 and R2

Mr.S.Kalyanaraman for R3

O R D E R

Heard the learned counsels appearing for the parties concerned.

2. The main contention of the learned counsel appearing for the petitioner is that the second respondent had passed the impugned order, dated 17.4.2012, by which a sub division had been made, with regard to the lands in question and the patta, which had been issued in the name of the petitioner, had also been cancelled, without issuing a notice to the petitioner. In

such circumstances, this Court may be pleased to set aside the impugned order of the second respondent, dated 17.4.2012, and remit the matter back to the second respondent to pass appropriate orders, after giving an opportunity of hearing to the petitioner, the third respondent and the other persons concerned, if any, within a time frame specified by this Court. The learned counsels appearing on behalf of the respondents have no objection for this court passing such an order.

3. In such circumstances, the impugned order of the second respondent, dated 17.4.2012, is set aside and the second respondent is directed to pass appropriate orders, with regard to the effecting of the sub division and with regard to the issuance of patta, in respect of the lands in question, after giving an opportunity of hearing to the petitioner, the third respondent and other persons concerned, if any, within a period of twelve weeks from the date of receipt of a copy of this order. The writ petition is ordered accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To:

1. The District Collector
Namakkal District
2. The Sub Collector
Namakkal District
Office at Namakkal Collector office
Campus, Namakkal

+1 cc to M/S.K.R.Krishnan, Advocate sr.58556
+1 cc to M/s.S.Kalyanaraman, Advocate sr.58268
+1 cc to Government Pleader High Court Madras-104
sr.58611

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aa06/11/2015